रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—14 REGISTERED NO. DL—(N)04/0007/2003—14

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 2
PART II — Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 46] नई दिल्ली, शुक्रवार, दिसम्बर 26, 2014/ पौष 5, 1936 (शक)
No. 46] NEW DELHI, FRIDAY, DECEMBER 26, 2014/PAUSA 5, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 23rd December, 2014:—

BILL NO. 194 OF 2014

A Bill further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Citizenship (Amendment) Act, 2014. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

57 of 1955.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 5, Amendment of section 5.—

(*i*) in sub-section (*1*),—

(*a*) in clause (*f*), for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(*b*) in clause (*g*), for the words "has been residing in India for one year", the words "is ordinarily resident in India for twelve months" shall be substituted;

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The Central Government, if it is satisfied that special circumstances

exist, may after recording the circumstances in writing, relax the period of twelve months specified in clauses (*f*) and (*g*) and clause (*i*) of *Explanation* 1 of sub-section (*1*), up to a maximum of thirty days which may be in different breaks.".

Substitution of sections 7A, 7B, 7C and 7D.

3. In the principal Act, for sections 7A, 7B, 7C and section 7D, the following sections shall be substituted, namely:—

Registration of Overseas Citizen of India cardholder.

"7A. (*1*) The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register as Overseas Citizen of India cardholder—

(*a*) any person of full age and capacity,—

(*i*) who is a citizen of another country, but was a citizen of India at the time of, or at any time after, the commencement of the Constitution; or

(*ii*) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(*iii*) who is a citizen of another country, but belonged to a territory that became part of India after the 15th day of August,1947; or

(*iv*) who is a child or a grand-child or a great grand-child of such a citizen; or

(*b*) a person, who is a minor child of a person mentioned in clause (*a*); or

(*c*) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or

(*d*) such spouse of a citizen of India or spouse of Overseas Citizen of India cardholder registered under clause (*a*) or spouse of a person of Indian origin who is a citizen of another country and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as Overseas Citizen of India cardholder, such spouse shall be subjected to prior security clearance from a competent authority in India:

Provided further that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as Overseas Citizen of India cardholder.

(*2*) The Central Government may, by notification in the Official Gazette, specify the date from which the existing Persons of Indian Origin cardholders shall be deemed to be Overseas Citizens of India cardholders.

Explanation.— For the purposes of sub-section (*2*), Persons of Indian Origin cardholders mean the persons registered as such under notification number 26011/4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

Confirment of rights on Overseas Citizen of India cardholder.

7B. (*1*) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India cardholder shall be entitled to such rights, other than the rights specified under sub-section (*2*), as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(*2*) An Overseas Citizen of India cardholder shall not be entitled to the rights conferred on a citizen of India—

(*a*) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(*b*) under article 58 of the Constitution for election of President;

(*c*) under article 66 of the Constitution for election of Vice- President;

(*d*) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(*e*) under article 217 of the Constitution for appointment as a Judge of the High Court;

43 of 1950. (*f*) under section 16 of the Representation of the People Act,1950 in regard to registration as a voter;

43 of 1951. (*g*) under sections 3 and 4 of the Representation of the People Act, 1951 with regard to the eligibility for being a member of the House of People or of the Council of States, as the case may be;

43 of 1951. (*h*) under sections 5, 5A and 6 of the Representation of People Act, 1951 with regard to eligibility for being a member of the Legislative Assembly or a Legislative Council, as the case may be, of a State;

(*i*) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify.

(*3*) Every notification issued under sub-section (*1*) shall be laid before each House of Parliament.

Renunciation of Overseas Citizen of India card.

7C. (*1*) If any Overseas Citizen of India cardholder of full age and capacity makes in the prescribed manner a declaration renouncing the card registering him as an Overseas Citizen of India cardholder, the declaration shall be registered by the Central Government, and upon such registration, that person shall cease to be an Overseas Citizen of India cardholder.

(*2*) Where a person ceases to be an Overseas Citizen of India cardholder under sub-section (*1*), the spouse and every minor child of that person registered as an Overseas Citizen of India cardholder shall thereupon cease to be an Overseas Citizen of India cardholder.

Cancellation of registration as Overseas Citizen of India card.

7D. The Central Government may, by order, cancel the registration granted under sub-section (*1*) of section 7A, if it is satisfied that—

(*a*) the registration as an Overseas Citizen of India cardholder was obtained by means of fraud, false representation or the concealment of any material fact; or

(*b*) the Overseas Citizen of India cardholder has shown disaffection towards the Constitution of India, as by law established; or

(*c*) the Overseas Citizen of India cardholder has, during any war in which India may be engaged, unlawfully traded or communicated with an enemy or been engaged in, or associated with, any business or commercial activity that was to his knowledge carried on in such manner as to assist an enemy in that war; or

(*d*) the Overseas Citizen of India cardholder has, within five years after registration under sub-section (*1*) of section 7A has been sentenced to imprisonment for a term of not less than two years; or

(*e*) it is necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; or

(*f*) the marriage of an Overseas Citizen of India cardholder, who has obtained such card under clause (*d*) of sub-section (*1*) of section 7A,—

(*i*) has been dissolved by a competent court of law or otherwise; or

(*ii*) has not been dissolved but, during the subsistence of such marriage, he has solemnised marriage with any other person.".

Amendment of section 18.

4. In the principal Act, in section 18, in sub-section (*2*), after clause (*ee*), the following clauses shall be inserted, namely:—

"(*eea*) conditions and restrictions subject to which a person may be registered as Overseas Citizen of India cardholder under sub-section (*1*) of section 7A;

(*eeb*) manner of declaractions for renunciation of Overseas Citizen of India card under sub-section (*1*) of section 7C;".

Amendment of Third Schedule.

5. In the Third Schedule to the principal Act, in clause (*c*), the following proviso shall be inserted, namely:—

"Provided that if the Central Government is satisfied that special circumstances exist, it may, after recording the circumstances in writing, relax the period of twelve months up to a maximum of thirty days which may be in different breaks.".

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act,1955 (the Citizenship Act) provides for the acquisition and determination of Indian citizenship, after the commencement of the Constitution by birth, descent, registration, naturalisation and citizenship by incorporation of territory and for renunciation, termination and deprivation of citizenship under certain circumstances.

2. The Citizenship Act has been amended, from time to time, *inter alia*, making enabling provisions for registration of Overseas Citizen of India cardholder, conferment of certain rights on such citizens, renunciation of overseas citizenship and cancellation of registration as Overseas Citizen of India cardholder.

3. The proposed amendments to the Citizenship Act are required due to certain lacunae that were noticed during its implementation and review of provisions relating to overseas citizens of India. The proposed amendments, *inter alia*, provide for —

(*a*) amendment of section 5 of the Citizenship Act, so as to,—

(*i*) substitute the words "has been residing in India for one year" with the words" is ordinarily resident in India for twelve months" in clauses (*f*) and (*g*) of sub-section (*1*);

(*ii*) insert new sub-section (*1A*) to enable the Central Government to relax the period of twelve months specified in clauses (*f*) and (*g*) and clause (*i*) of *Explanation* 1 of sub-section (*1*), up to a maximum of thirty days which may be in different breaks;

(*b*) substitution of sections 7A, 7B, 7C and 7D of the Citizenship Act to provide for—

(*i*) registration of Overseas Citizen of India cardholder;

(*ii*) confirmation of rights on Overseas Citizen of India cardholder;

(*iii*) renunciation of Overseas Citizen of India card;

(*iv*) cancellation of registration as Overseas Citizen of India card;

(*c*) insertion of a proviso to clause (*c*) of the Third Schedule to the Citizenship Act to empower the Central Government to relax the period of twelve months as resident in India or in the service of a Government in India specified as one of the qualification for grant of certificate of naturalisation by a period up to a maximum of thirty days which may be in different breaks.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19*th December*, 2014.

HARIBHAI PARTHIBHAI CHAUDHARY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules to provide for—

(*a*) conditions and restrictions subject to which a person may be registered as Overseas Citizen of India cardholder;

(*b*) manner of declaration for renunciation of the Overseas Citizen of India card.

2. The matters in respect of which rules may be made for matters of procedure or administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

THE THIRD SCHEDULE

[*See* section 6 (*1*)]

QUALIFICATIONS FOR NATURALISATION

* * * * *

The qualifications for naturalisation of a person are—

* * * * *

(*c*) that he has either resided in India or been in the service of a Government in India or partly the one and partly the other, through out the period of twelve months immediately preceding the date of the application;

* * * * *

ANOOP MISHRA,
Secretary-General.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI—2014.

GMGIPMRND—3972GI(S3)—26-12-2014.